

**UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT PIERCE DIVISION**

CASE NO. 22-14048-CR-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELIJAH DANIEL SHAW,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court upon the Report and Recommendation entered by Magistrate Judge Melissa Damian Following Change of Plea Hearing [ECF No. 129]. On January 25, 2023, Magistrate Judge Damian held a Change of Plea hearing [ECF No. 120] during which Defendant pled guilty to Counts 1 and 9 of the Second Superseding Indictment [ECF No. 39] pursuant to a stipulated factual proffer and a written plea agreement [ECF Nos. 121, 22]. Magistrate Judge Damian thereafter issued a Report recommending that the Court accept Defendant's guilty plea to Count 1 and 9 of the Second Superseding Indictment, that the Court find Defendant to have freely and voluntarily entered his guilty plea, and that the Court adjudicate him guilty of Counts 1 and 9 of the Second Superseding Indictment [ECF No. 39]. No objections to the Report have been filed, and the time to do so has expired.

The Court has conducted a review of the record and finds no error in the Report. Therefore, it is **ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 129] is **AFFIRMED AND ADOPTED**.
2. The guilty plea entered into by Defendant **Elijah Daniel Shaw** as to Counts 1 and 9 of

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the Second Superseding Indictment is **ACCEPTED**.

3. Defendant **Elijah Daniel Shaw** is adjudicated guilty of Counts 1 and 9 of the Second Superseding Indictment, which charges him with the following: Production of Visual Depictions Involving Sexual Exploitation of Minors, in violation of 18 U.S.C. § 2251(a) and (e) and 18 U.S.C. § 2 (Count 1); and Possession of Visual Depictions of Sexual Exploitation of Minors, in violation of 18 U.S.C. § 2252(a)(4)(B) and (b)(2) [ECF No. 39].

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 21st day of February 2023.

A handwritten signature in black ink, appearing to read 'Aileen M. Cannon', is written over a horizontal line.

AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record